

**Waiver 5 Freedom of Choice Addendum Form**  
**Eff. 7/1/08**

**ICF/MR SERVICES IN MONTANA**

ICF/MR is a term drawn from federal law and stands for intermediate care facility for the mentally retarded. An ICF/MR is a specialized nursing facility for the specific purpose of serving persons with developmental disabilities who are in need of substantial nursing or other intensive care.

In Montana, ICF/MR services funded with Medicaid monies are available through the Montana Developmental Center (MDC) in Boulder, a public facility administered by the Department of Public Health & Human Services. Entry into MDC may only be gained through a commitment order entered by a state district court after a determination that a person is "seriously developmentally disabled". A commitment proceeding may only be initiated through a county attorney's office.

Further information on the process for commitment to an ICF/MR may be obtained from the Services Coordinator, Developmental Disabilities Program (DDP), Department of Public Health & Human Services at P.O. Box 4210, Helena, MT, 59624-4210. The telephone number for the DDP central office is (406) 444-2995.

**FAIR HEARING RIGHTS**

A person who disagrees with an adverse action relating to home and community based services, including such actions as suspension, reduction or termination of services, the denial of a requested service, or an adverse action resulting from the individual planning process may appeal the decision through a fair hearing procedure available under the authority of the Montana Administrative Procedure Act.

A hearing is conducted by a fair hearing officer from the Department of Public Health & Human Services' Office of Fair Hearings. Both the person who is appealing a decision and representatives from the Developmental Disabilities Program may present testimony and evidence at that hearing through witnesses and documents. Further details concerning the availability of and the process for a fair hearing may be obtained from the Department's fair hearing rules at Administrative Rules of Montana (ARM) 37.5.115 et al. These rules are available upon request from the DDP (see above), the Department website or from your case manager.

The proposed decision of the hearing officer may, in turn, be appealed to the Board of Public Assistance. The Board is made up of 3 citizen members appointed by the Governor. The decision of the Board, in turn, may be appealed to state district court.

A request for a fair hearing must be stated in writing and be submitted to Department's Office of Fair Hearings at 2401 Colonial Drive, Helena, MT 59620-2953. You also may call that office at (406) 444-2470 for further information.

**OPPORTUNITY TO SELF-DIRECT- 0208 WAIVER ONLY**

Persons enrolled in the 0208 Waiver may choose to self-direct their services via an agency with choice model. This service option does not change the value of the recipient's cost plan. The services available to a person choosing to self-direct do not change; all waiver services are

potentially available in both traditional and self-directed services. Persons potentially eligible to choose this service option are limited to those living in an apartment, foster home, natural home

or private residence. Private residence is defined as:

- 1) The home that a waiver recipient owns or rents in his own right or the home where a waiver service recipient resides with other family members or friends. A private residence is not a living arrangement that is owned or leased by a service provider; or,
- 2) The home of a caregiver who furnishes foster or respite care to a waiver recipient.

Persons who choose to self-direct may choose to work with their agency in the advertising and recruiting of the workers providing their direct supports. Finding workers with flexible schedules may increase a recipient's ability to schedule services in accordance with needs. In either self-directed or traditional service models, the recipient's direct support workers are employed by an agency with a DDP contract.

Persons interested in self-directing should discuss this option with their case manager. The self-directed option is subject to the approval of the planning team. More information about the self-directed services option is available from the case manager or on the DDP website. The DDP website may be accessed as follows:

1. [www.mt.gov](http://www.mt.gov)
2. state agencies
3. public health and human services
4. disability services division
5. developmental disabilities program
6. information guide: 0208 waiver self-direction option, or, 0208 waiver effective 7/1/08, appendix e